IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.3439 of 2004

Between:

M/s Arobindo Educational Society,

Unit: Kakatiya Upper Primary School,
Peddapally, District Karimnagar,
rep., by its Correspondent,
Sri R.V.Ramana Rao,
S/o Raja Gopala Rao,
Aged: 55 years ..... PETITIONER

AND

1 The Asst.P.F.Commissioner,
Sub-Regional Office,
Balasamudram,
Hanamakonda,
Warangal-506 001.

2 The Union of India,
Ministry of Labour,
New Delhi,
rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondent and issue appropriate order or direction, preferably one in the nature of writ of certiorari declaring that the enactment of Section 7-Q w.e.f. 1.7.97 as unconstitutional, void ab initio and non-est and quash the impugned order No.AP/SRO/ENF/WL/31336-KRN/7A Order/2001/1015, dated
26-6-2001 calculating the amount of Rs.1,29,798/- as due towards simple interest @ 12% p.a., for the period from 6/93 to 15-4-2000,
9-8-2000 and 15-8-2000 under Section 7Q of the E.P.F. & M.P.Act 1952 passed by the respondent as ultra virus and unconstitutional.

Counsel for the Petitioner :Mr.N.VENKATRAMA REDDY

Counsel for the Respondent No.1 : Mr.R.N.REDDY

Counsel for the Respondent No.2: Standing counsel for Central Govt.

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Heard learned counsel for the parties.

In similar matters where vires of Section 7–Q of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (in short 'the Act') was challenged, we disposed of other writ petitions with certain directions. In this case also, we dispose of the writ petition with leave and liberty reserved to the petitioner to prefer appeal before the appellate authority against the impugned order dated 26-06-2001 passed under Sections 7-A and 14-B of the Act. Appeal, if filed by the petitioner with deposit of 50% of the demanded amount within a period of four weeks from today, will be entertained and decided in accordance with law. In the appeal, it will be open to the petitioner to challenge the legality and validity of the interest imposed under Section 7-Q of the Act and appellate authority while considering the appeal will also examine the legality and validity of the imposition of interest. Deposit of 50% of the demanded amount by the petitioner will also abide by the result of the appeal.

Writ Petition is accordingly disposed of.

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DEVINDER GUPTA, C.J.

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G.ROHINI, J

24-09-2004
bsc
To
1 The Asst.P.F.Commissioner,
Sub-Regional Office,
Balasamudram,
Hanamakonda,
Warangal-506 001.

2 The Secretary.
Ministry of Labour,
The Union of India,
New Delhi,

3 2 C.D. copies